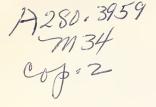
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UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE

Reprint from Federal Register of September 1, 1955

T.7. Ch. IX, Code of Fed. Regs.

Marketing Orders-Part 989

ORDER NO. 89, AS AMENDED, REGULATING THE HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

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ninasis of ntarv and in addition to the findings and determinations which were made in connection with the original issuance (14 F. R. 5136) of this marketing order, and all of said previous findings and determinations, except the finding as to the base period for the parity computation, are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings set forth herein;

(2) The amended order, as hereinafter set forth, and all of the terms and conditions thereof, tend to effectuate the declared policy of the act;

(3) Said amended order is applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing has been held; and

(4) There are no differences in the production and marketing of raisins in 989.63 Recommendations for designation of the production area covered by said amended order, which make necessary

different terms applicable to different parts of such area.

(b) Additional findings. It is hereby found that it is necessary, in the public interest, for the provisions of this amended order to become effective not later than the date of publication in the FEDERAL REGISTER. The acquisition of new crop raisins by handlers usually commences in substantial volume on or about September 1 of each year, and it is necessary that this amended regulatory program become effective on a date coinciding as closely as possible with the new marketing season. The changes in program operations which the amendments require are such that it is not feasible to commence regulation under the original order and later change to regulations under this amended order. Raisin handlers are aware of this amendment proceeding and have received copies of the regulatory provisions of the amended order. Also, it is expected that the Raisin Administrative Committee will give each raisin handler notice of the effective date of the amended order by telegram. This advance information should enable handlers to make such preparations as are necessary in order to comply with provisions of the amended order. On the basis of the foregoing facts and circumstances, good cause exists for making this amended order effective upon publication in the FEDERAL REGISTER, and it would be contrary to the public interest to postpone the effective date until 30 days after publication in the Federal Register (see 5 U.S. C. 1001 et seq.). Therefore, the provisions of this amended order shall become effective upon publication in the FEDERAL REGISTER.

(c) Determinations. It is hereby determined that: (1) The marketing agreement, as amended, regulating the handling of raisins produced from raisin variety grapes grown in California, upon which a public hearing was held at Fresno, California from April 4 to 9, 1955, both dates inclusive, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping raisins covered by this amended order) who handled not less than 50 percent of the volume of such raisins covered by this amended order;

(2) The issuance of this amended order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (July 1, 1954 through June 30, 1955), were engaged, within the State of California, in the production of raisin variety grapes

for market; and
(3) The issuance of this amended order is favored or approved by producers who participated in the aforesaid

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mined representative period, produced the process of being packed or raisins at least two-thirds of the volume of which are partially packed shall be subraisin variety grapes represented in such ject to the same requirements as packed referendum and produced within the raisins. State of California for market.

It is therefore, ordered, That, on and after the effective date hereof, the handling of raisins produced from raisin variety grapes grown in California shall be in conformity to, and in compliance with, the terms and conditions of this amended order; and the terms and conditions of said amended order are as follows:

DEFINITIONS

§ 989.1 Secretary. "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has hereauthority may hereafter be delegated, to means of artificial heat. act in his stead.

No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended without other ingredients, in the producby the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. market or distribution. 31, as amended; 7 U.S.C. 601 et seq.; 68 Stat. 906, 1047).

individual, partnership, corporation, association, or any other business unit.

§ 989.4 Area. "Area" means the State of California.

§ 989.5 Raisin variety grapes. "Raisin variety grapes" means grapes of the Thompson Seedless (or Sultanina), Muscat of Alexandria (or Muscat), Muscatel Gordo Blanco (or Muscat), Black Corinth (or Zante Currant), Corinth (or Zante Currant), and Seedless Sultana (or Sultana), varieties grown in the area.

§ 989.6 Raisins. "Raisins" means any raisin variety grapes from which a part of the natural moisture has been removed by sun-drying or artificial dehydration after such grapes have been removed from the vines.

§ 989.7 Bleached raisins. "Bleached raisins" means (a) any raisins which have been produced by soda dipping, with or without oil, whether sun-dried or artificially dehydrated, or (b) any raisins which have been produced by soda dipping, sulfuring, and sun-drying.

§ 989.8 Golden Seedless raisins. "Golden Seedless raisins" means raisins, the production of which includes soda dipping, sulfuring, and artificial dehydration.

\$ 989.9 Natural condition raisins. "Natural condition raisins" means raisins the production of which includes sun-drying or artificial dehydration, with or without bleaching, but which ton of 2,000 pounds. have not been further processed to a point where they meet any of the conditions for "packed raisins", as defined in § 989.1).

§ 989.10 Packed raisins. stemmed, graded, sorted, cleaned, or

referendum and who, during the deter- usable for such marketing. Raisins in

§ 989.11 Varietal type. "Varietal type" means natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, natural (sundried) or artificially dehydrated Zante Currants, Layer Muscat, Golden Seedless, Sulfur Bleached, Soda Dipped, or Valencia raisins.

§ 989.12 Producer. "Producer" means any person engaged, in a proprietary capacity, in the production of raisin variety grapes.

§ 989.13 Dehydrator. "Dehydrator" means any person who produces raisins tofore been delegated or to whom by dehydrating raisin variety grapes by

§ 989.14 Processor. "Processor" § 989.2 Act. "Act" means Public Act means any person who acquires raisins and uses them within the area, with or tion of a product other than raisins, for

§ 989.15 Packer. "Packer" means any person who, within the area, stems, sorts, § 989.3 Person. "Person" means an cleans, or seeds raisins, grades stemmed raisins, or packages raisins for market as raisins: Provided, That any producer or dehydrator shall be deemed to be a packer, with respect to the raisins produced or dehydrated by him, only if he stems, cleans, seeds or packages them for market as raisins.

> § 989.16 Handler. "Handler" means any person who ships natural condition raisins out of the area, or any processor or packer.

> § 989.17 Acquire. "Acquire" means to have or obtain physical possession of raisins by a handler at his packing or processing plant or at any other established receiving station operated by him: Provided, That a handler shall not be deemed to acquire any raisins (including raisins produced or dehydrated by him) while: (a) He stores them for another person or as handler-produced tonnage in compliance with the provisions of §§ 989.58 and 989.70; (b) he reconditions them, or; (c) he has them in his possession for the purpose of inspection; and Provided further, That the term shall apply only to the handler who first acquires the raisins.

> § 989.18 Board. "Board" means the Raisin Advisory Board established pursuant to § 989.26.

> § 989.19 Committee. "Committee" means the Raisin Administrative Committee established pursuant to § 989.39.

> § 989.20 Ton. "Ton" means a short

§ 989.21 Crop year. "Crop year" means the 12-month period beginning with September 1 of any year and ending with August 31 of the following year: "Packed Provided, That the first crop year under raisins" means raisins which have been this amended subpart shall begin at the effective time of this amended subpart: seeded, and placed in any container cus- And provided further, That the crop year tomarily used in the marketing of rai- which began on August 15, 1954, is hereby sins or in any container suitable or extended from August 14, 1955, to the

effective time of this amended subpart.

§ 989.22 District. "District" means any one of the geographical areas referred to in § 989.26 and specified in § 989.96 (Exhibit A).

§ 989.23 File. "File" means transmit or deliver to the Secretary or committee, as the case may be, and such act shall be deemed to have been accomplished at the time: (a) Of actual receipt by the Secretary or committee in the event of personal delivery; (b) of receipt at the office of the telegraph company, in case submission is by telegram; or (c) shown by the postmark, in case submission is by mail.

§ 989.24 Standard raisins and offgrade raisins. (a) "Standard raisins" means raisins which have been certified as meeting the then effective minimum grade and condition standards for natural condition raisins.

(b) "Off-grade raisins" means raisins which fail to meet the then effective minimum grade and condition standards for natural condition raisins.

§ 989.25 Part and subpart. "Part" means the order regulating the handling of raisins produced from raisin variety grapes grown in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of raisins produced from raisin variety grapes grown in California shall be a "subpart" of such part.

RAISIN ADVISORY BOARD

§ 989.26 Establishment and membership. The Raisin Advisory Board is hereby established, consisting of 46 members of whom 36 shall represent producers, eight shall represent handlers and two shall represent dehydrators. The dehydrator members shall represent all dehydrators within the area and shall be selected from dehydrators as provided in § 989.29 (b) (4). The handler members of the board shall include the following: (a) One member selected from and representing handlers doing business as cooperative marketing associations, or cooperative marketing organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year; (b) two members selected from and representing the two handlers, other than cooperatives, who acquired the largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (c) one member selected from and representing the three handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (d) two members selected from and representing the five handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; and (e) two members selected from and representing all other handlers, including cooperatives each of which acquired less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and

including all processors. The 36 pro- shall continue to do so until the succesducer members shall be selected in the number and for the districts as designated in § 989.96 (Exhibit A). For each member of the board there shall be an alternate member who shall have the same qualifications as the member for whom he is an alternate.

§ 989.27 Eligibility. No person shall be selected or continue to serve as a member or alternate member of the board, who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: Provided, That any handler eligible to represent a particular size group at the time of his selection who later falls in a different size group shall continue to represent for the entire term the size group for which he was selected.

§ 989.28 Term of office—(a) Producer members. One-third of the producer members and producer alternate members of the board initially selected pursuant to § 989.30 by the Secretary shall hold office for a period beginning on a date to be designated by the Secretary and ending on April 30, 1950, and until the respective successors are selected and have qualified. One-third of the producer members and producer alternate members of the board initially selected pursuant to § 989.30 by the Secretary shall hold office for a period beginning on a date to be designated by the Secretary and ending on April 30, 1951, and until the respective successors are selected and have qualified. One-third of the producer members and producer alternate members of the board initially selected pursuant to § 989.30 by the Secretary shall hold office for a period beginning on a date to be designated by the Secretary and ending on April 30, 1952. and until the respective successors are selected and have qualified. The persons to hold office as producer members and producer alternate members for the respective terms of office specified above shall be determined by the drawing of lots by those persons selected by the Secretary as producer members and alternate members pursuant to § 989.30, and the results of such drawings shall be filed promptly with the Secretary. The term of office of succeeding producer members and producer alternate members of the board shall be three years, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified.

(b) Handler and dehydrator members. The handler members and dehydrator members, and their respective alternates, shall each serve for terms of one year, beginning on May 1, and ending on April 30 of the following year. but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified: Provided, That the terms of office of the initial handler and dehydrator members and their respective handlers for each handler member posi-alternates under this amended subpart tion to be filled may be proposed for shall begin on a date to be designated by nomination, and one or more eligible the Secretary. Handler and dehydra- handlers for each alternate member tor members, and their respective alter- position to be filled on the board may

sors have been selected and have qualified.

§ 989.29 Nominations—(a) members. Producer members and alternate producer members of the board serving on the effective date of this amended subpart shall continue to serve as the initial producer and alternate producer members of the board established by § 989.26, as amended, for their specified terms of office and until their respective successors have been selected and have qualified. Initial nominations for each of the handler and dehydrator members and alternate members of the board established by § 989.26, as amended, shall be filed with the Secretary not later than 10 calendar days after the effective date of this amended subpart.

(b) Successor members. Nominations for successor members and alternate members of the board shall be made as set forth in subparagraphs (1) to (6) of

this paragraph.

(1) The board shall give reasonable publicity of a meeting or meetings of producers, handlers and dehydrators, respectively, for the purpose of making nominations for member and alternate member positions to be filled on the board: Provided, That, with respect to producer members and producer alternate members, a meeting or meetings shall be held in each respective district for which nominations are to be made to fill producer member and producer alternate member positions on the board.

(2) Only producers who produced raisin variety grapes during the then current crop year in the respective district for which nominations are to be made may nominate, or vote for, any producer member or producer alternate member for such district. Any producer who produced raisin variety grapes during the then current crop year in any of the districts may be nominated to represent any district as producer member or producer alternate member of the board, except that a producer may be a nominee from only one district. One or more eligible producers for each producer member position to be filled on the board may be proposed for nomination and one or more eligible producer for each alternate member position to be filled may be proposed for nomination. Each producer shall cast only one vote with respect to each position for which nomination is to be made. The person receiving a majority of votes with respect to each producer member or producer alternate member position shall be the person to be certified to the Secretary as the nominee for each such position. In the event no person receives a majority, there shall be a run-off vote between the two persons receiving the largest number

(3) Only handlers who packed or processed raisins during the then current crop year may nominate, or vote for, handler members or handler alternate members. One or more eligible nates, who are holding office on the be proposed for nomination. Nomina-effective date of this amended subpart tions by each of the handler groups

specified in § 989.26 shall be made by and from handlers, or employees, representatives, or agents of handlers falling within such groups. Each handler shall cast only one vote with respect to each position for which nomination is to be made: Provided, That only handlers coming within the particular group, as specified in § 989.26, for which nomination is to be made, shall vote. The person receiving the most votes with respect to each handler member or handler alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(4) Only dehydrators who produced raisins by dehydrating raisin variety grapes during the then current crop year may nominate, or vote for, dehydrator members or dehydrator alternate members. One or more eligible dehydrators for each dehydrator member position to be filled on the board may be proposed for nomination, and one or more eligible dehydrators for each alternate member position may be proposed for nomination. Each dehydrator shall cast only one vote with respect to each position for which nomination is to be made. The person receiving the most votes with respect to each dehydrator member or dehydrator alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(5) Each vote cast shall be on behalf of the person voting, his agents, subsidiaries, affiliates, and representatives. Voting at each meeting shall be in person. The result of each ballot at each such meeting shall be announced at that meeting. Voting at each meeting of producers shall be by secret ballot, and at each meeting of handlers, and dehydrators, voting may be by secret ballot.

(6) Each such nomination shall be certified by the board to the Secretary on or before April 5 immediately preceding the commencement of the term of office of the member or alternate member position for which the nomination is certified.

Selection. The Secretary 8 989 30 shall select producer, handler, and dehydrator members and alternate members in the numbers specified in § 989.26 and with the qualifications specified in § 989.27. Such selections may be made from the nominations certified pursuant to § 989.29 or from other producers, handlers, and dehydrators, but each such selection shall be made, on the basis of the respective producer, handler, and dehydrator representations and qualifications set forth in §§ 989.26 and 989.27.

§ 989.31 Failure to nominate. In the event nomination for a member or alternate member position on the board is not certified pursuant to and within the time specified in § 989.29, the Secretary may select such member or alternate member without regard to nomination, but such selection shall be on the basis of the respective producer, handler and dehydrator representations and qualifications set forth in §§ 989.26 and 989.27.

§ 989.32 Acceptance. Each person selected by the Secretary as a member or as an alternate member of the board

shall, prior to serving on the board, qual- of raisin variety grapes used in the pro- nate members when acting as members, ify by filing with the Secretary a written duction of Golden Seedless raisins), five acceptance within 10 calendar days after shall represent handlers, and one shall being notified of his selection.

§ 989.33 Alternate members. The alternate for a member of the board shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 989.34 Vacancies. To fill any vacancy occasioned by the failure of any person selected as a member, or as an alternate member of the board to qualify. or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in §§ 989.29 and 989.30, insofar as such provisions are applicable. If nomination to fill any vacancy is not filed within 20 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nomination, but on the basis of the applicable representation and qualifications set forth in §§ 989.26 and 989.27.

§ 989.35 Meetings. The board shall meet at the call of its chairman or its vice chairman when acting as chairman. or at the call of any officer of the board upon the request of at least one-third of its producer or handler members. Reasonable advance notice of each meeting shall be given by mail or other appropriate means to each member and alternate member and such notice shall be given as widespread publicity as is practicable. The notice of each meeting resents, either in his own behalf, or as shall specify the time, place, and general purpose thereof.

§ 989.36 Duties. The duties of the board shall consist of the conducting of meetings for the purpose of making nominations for membership on the board and the certifying of nominations made for such purpose to the Secretary, the making of nominations to the Secretary for member and alternate member positions on the committee, the making of recommendations to the committee with respect to marketing policy, the free, reserve, and surplus percentages, and such other operational matters as it deems proper or as the committee may request.

§ 989.37 Procedure. (a) Except as otherwise provided in § 989.42, all decisions of the board shall be by majority vote of the members present. The presence of not less than 19 producer members and not less than five members other than producer members shall be required to constitute a quorum.

(b) The board shall give to the Secretary the same notice of meetings of the board as it gives to its members.

RAISIN ADMINISTRATIVE COMMITTEE

§ 989.39 Establishment and membership. A Raisin Administrative Committee is hereby established to administer the terms and provisions of this part. Such committee shall consist of 14 members, of whom eight shall represent producers (one of whom shall be a producer members of the board and handler alter-

represent dehydrators. Of the five handler members, one shall be selected from and represent each of the following divisions: (a) The handlers doing business as cooperative marketing associations, or cooperative organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year; (b) the two handlers, other than cooperatives, who acquired the largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year; (c) the three handlers, other than cooperatives, who acquired the next largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year; (d) the five handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; and (e) all other handlers, including cooperatives each of which acquired less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and including all processors. For each member of the committee there shall be an alternate member who shall have the same qualifications as the member for whom he is an alternate.

§ 989.40 Eligibility. No person shall be selected, or continue to serve, as a member or alternate member of the committee, who is not actively engaged in the business of the group which he repan officer, agent, or employee of a business unit engaged in such business: Provided, That any handler eligible to represent a particular size group at the time of his selection who later falls in a different size group shall continue to represent for the entire term the size group for which he was selected.

§ 989.41 Term of office. Members and alternate members of the committee shall each serve for terms of one year, beginning on June 1, and ending on May 31 of the following year but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified: Provided, That the term of office of initial dehydrator and handler members and alternate members under this amended subpart shall begin on a date to be designated by the Secretary.

§ 989.42 Nomination—(a) Producer members. The producer members of the board, and producer alternate members when acting as members, shall nominate from among the producer members and producer alternate members of the board eight persons for producer member positions on the committee and an alternate for each such persons: Provided, That one of the persons nominated for a producer member position on the committee and his alternate shall be producers of raisin variety grapes used in the production of Golden Seedless raisins.

(b) Handler members. The handler

shall nominate from among the handler members and alternate members of the board, five persons for handler member positions on the committee, and an alternate for each such person: Provided, That such nominations shall be made on the basis of one member and one alternate member for each of the groups specified in § 989.39. Nomination for each of the handler groups specified in § 989.39 shall be made by and from handlers, employees, representatives or agents of handlers falling within each such group.

(c) Dehydrator members. The dehydrator members of the board, and dehydrator alternate members when acting as members, shall nominate from among the dehydrator members and dehydrator alternate members of the board one person for the dehydrator member position on the committee and an alter-

nate for such person.

(d) Initial members. Nominations for initial handler and dehydrator members and alternate.members of the committee as provided in § 989.39, as amended, shall be certified by the board to the Secretary not later than 10 calendar days after the selection by the Secretary of board members. The handler and dehydrator members and alternate members who are serving as such at the effective time of this amended subpart shall continue to serve until the successors have been selected and have qualified. The producer members and alternate members who are serving as such at the effective time of this support shall continue to serve for their specified terms of office and until their respective successors have been selected and have qualified.

(e) Successor members. Nominations for successor members and alternate members of the committee shall be certified by the board to the Secretary annually within 30 days following the selection by the Secretary of board members.

§ 989.43 Selection. The Secretary shall select producer, handler, and dehydrator members and alternate members of the committee in the numbers and with the qualifications specified in §§ 989.39 and 989.40. Such selections may be made by him from the nominations certified pursuant to § 989.42 or from other eligible producers, handlers, and dehydrators, but such selections shall be made on the basis of the respective producer, handler and dehydrator representations and qualifications set forth in §§ 989.39 and 989.40.

§ 989.44 Failure to nominate. In the event any of the groups entitled pursuant to § 989.42 to submit nominations to the Secretary shall fail to do so within the time specified in § 989.42, the Secretary may select the particular members or alternate members of the committee without regard to nominations, but such selections shall be on the basis of the applicable producer, handler and dehydrator representations and qualifications set forth in §§ 989.39 and 989.40.

§ 989.45 Acceptance. Each person selected by the Secretary as a member or as an alternate member of the committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance within 10 calendar days after being notified of such selection.

§ 989.46 Alternate members. An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death until a successor for such member's unexpired term has been selected and has qualified.

§ 989.47 Vacancies. To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the removal. resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in §§ 989.42 and 989.43, insofar as such provisions are applicable. If nomination to fill any such vacancy is not made within 20 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, but on the basis of the applicable representations and qualifications set forth in §§ 989.39 and 989.40.

§ 989.48 Compensation and expenses. The members of the committee and the board, and the alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses as approved by the committee.

§ 989.49 Powers. The committee shall have the following powers:

(a) To administer the terms and provisions of this part:

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive investigate, and report to the Secretary, complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 989.50 Duties. The committee shall have, among others, the following duties: (a) To act as intermediary between

the Secretary and any producer, packer,

dehydrator, or processor;

(b) To keep minutes, books, and other records, which shall clearly reflect all of its acts and transactions, and such minutes, books, and other records shall be subject to examination by the Secretary at any time;

(c) To investigate and assemble data on the production, handling, and market conditions with respect to raisins;

(d) To submit to the Secretary such available information with respect to raisins and raisin variety grapes as he may request, and such other information as the committee may deem desirable and pertinent;

(e) To select, from among its members, a chairman and other officers, and to adopt such rules and regulations for the conduct of its business as it may

deem advisable;

(f) To appoint or employ such other persons as it may deem necessary, and to determine the salaries and define the duties of each such person;

(g) To cause the books of the committee to be audited by certified public accountants at least once each crop year, and at such other times as the committee may deem necessary or as the Secretary may request, and the report of each such audit shall show, among other things, the receipts and expenditures of funds, and at least two copies of each such audit shall be submitted to the Secretary:

(h) To prepare quarterly statements of its financial operations and make such statements, together with the minutes of its meetings, available at the office of the committee for inspection by producers,

handlers and dehydrators;

(i) To give reasonable advance notice of the times, places, and purposes of its meetings by mail or other appropriate means to each member and alternate member and such notice shall be given as widespread publicity as is practicable.

(i) To investigate compliance with and to use means available to the committee to prevent violation of the pro-

visions of this part; and

(k) To establish, with the approval of the Secretary, such rules and procedures relative to administration of this subpart as may be consistent with the provisions contained in this subpart and as may be necessary to accomplish the purposes of the act and the efficient administration of this subpart.

§ 989.51 Obligation. Upon the removal, resignation, disqualification, or expiration of the term of office of any member or alternate member, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary all property (including, but not limited to, all books and records) in his possession or under his control as member or alternate member, and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member or alternate member of the committee, full title to such property, funds, and claims vested in such member or alternate member shall be vested in his successor or, until such successor has been selected and has qualified, in the committee.

§ 989.52 Procedure. (a) All decisions of the committee reached at an assembled meeting shall be by majority vote of the members present and a quorum must be present. All votes in an assembled meeting shall be cast in person. The presence of nine members shall be required to constitute a quorum. The committee may vote by mail or telegraph, but any proposition to be so voted upon first shall be explained accurately. fully and identically by mail or telegraph to all members. Fourteen concurring votes shall be required to reach a decision on a mail or telegraphic vote.

(b) The committee shall give to the Secretary the same notice of its meetings as it gives to its members and also advance notice of all subcommittee meetings.

(c) The committee shall defer action with respect to any marketing policy or percentage recommendation of the

board until at least the day following the day on which any such recommendation is adopted by the board.

RESEARCH AND DEVELOPMENT

§ 989.53 Research and development. The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of raisins. The expense of such projects shall be paid from funds collected pursuant to § 989.79.

MARKETING POLICY

§ 989.54 Marketing policy. Not later than August 20 preceding the beginning of each crop year, the committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins for the ensuing crop year and shall submit to the Secretary within 10 days a report setting forth its marketing policy for the regulation of the handling of raisins in such crop year. Such report shall include the data and information used by the committee in formulating such marketing policy and the recommendations of the board: Provided, That with respect to the initial crop year the committee shall hold a meeting for such purpose as soon as practicable after the effective date of this amended subpart. In developing the marketing policy, the committee shall give consideration to the following factors with respect to each varietal type of raisins:

(a) The estimated tonnage of raisins held by producers and handlers;

(b) The estimated tonnage of raisins which will be produced during the crop year:

(c) An appraisal of the quality of raisins of the crop to be produced in such crop year, including the estimated tonnage of standard raisins and off-grade raisins, respectively;

(d) The tonnage of raisins marketed during recent crop years in the domestic

market and in Canada;

(e) The tonnage of raisins marketed in recent crop years in foreign markets, segregated to show the quantities marketed from free and surplus tonnage raisins and the countries in which such raisins were marketed:

(f) The current price being received for raisins by producers and handlers:

(g) The estimated trade demand during the crop year for raisins in normal market channels both domestic and foreign:

(h) The trend and level of consumer income in the domestic market;

(i) The estimated probable market requirements for raisins during the crop year in foreign markets segregated by countries or groups of countries:

(j) Such factors, if any, which, in the supplying of foreign markets, may tend to directly affect or burden the normal domestic market:

(k) Any other pertinent factors bearing on the marketing of raisins; and

(1) The conditions, including pricing formula, for the sale of surplus tonnage raisins in foreign markets pursuant to the provisions of § 989.68.

§ 989.55 Modification. In the event the committee subsequently deems it advisable to modify such marketing policy, because of changed demand or supply conditions, it should hold a meeting for that purpose, and file a report thereof with the Secretary within five days (exclusive of Saturdays, Sundays, and holidays) after the holding of such meeting, which report shall show each modification, the bases therefor, as well as the recommendation of the board.

§ 989.56 Verbatim record. The committee shall file with its report to the Secretary a verbatim record of that portion of its meeting or meetings relating to its marketing policy.

§ 989.57 Publicity and notice. The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of each meeting to consider a marketing policy or any modifications thereof, and each such meeting shall be open to them. Similar notice shall be given to producers, dehydrators, and handlers of each marketing policy report, or modification thereof, filed with the Secretary. Copies of all such reports shall be maintained in the office of the committee where they shall be made available for examination by any producer, dehydrator, or handler.

GRADE AND CONDITION STANDARDS

§ 989.58 Natural condition raisins-(a) Regulation. No handler shall acquire or receive natural condition raisins which fail to meet the minimum grade and condition standards as set forth in § 989.97 (Exhibit B) or as later modified: Provided, That any handler may acquire storable off-grade raisins for the account of the committee, may receive raisins for inspection, and may receive storáble or non-storable off-grade raisins for reconditioning: And provided further, That a handler who is a processor may acquire storable or non-storable offgrade raisins for use in distillation, animal feed, or any outlet other than for human consumption. All storable offgrade raisins acquired by a handler for the account of the committee shall be held separate and apart from any other raisins held by him, shall not be held for the account of anyone but the committee, and shall be identified as storable off-grade raisins.

(b) Modification of minimum grade and condition standards for natural condition raisins. The committee may recommend to the Secretary modifications of the minimum grade and condition standards for natural condition raisins of any varictal type, as set forth in § 989.97 (Exhibit B), and shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall issue such modification of the minimum grade and condition standards for natural condition raisins if he finds upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

(c) Publicity and notice. The committee shall give prompt and reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each regulation issued by the Secretary. Notice of each such regulation shall be given to all handlers by registered mail.

(d) Inspection and certification. Each handler shall cause an inspection and certification to be made of all natural condition raisins acquired or received by him, except with respect to an inter-plant or inter-handler transfer as described in § 989.59 (e). The cost of all such inspection shall be borne initially by the handler but he shall be reimbursed by the committee for inspection costs applicable to pool tonnage held for the account of the committee. Prior to acquiring raisins, storing raisins, reconditioning raisins, or acquiring raisins which have been reconditioned, each handler shall obtain an inspection certificate showing whether or not the raisins meet the applicable minimum grade and condition standards. The handler shall submit or cause to be submitted to the committee a copy of such certificate, together with such other documents or records as the committee may require. Such certificate shall be issued by inspectors of the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture, unless the committee determines, and the Secretary concurs in such determination, that inspection by another agency would improve the administration of this amended subpart. The committee may require that raisins held on memorandum receipt be reinspected and certified as a condition for their acquisition by a handler.

(e) Options as to off-grade natural condition raisins. Any natural condition raisins tendered to a handler which fail to meet the applicable minimum grade standards may at the option of either the handler or the person making the tender: (1) Be returned to the person tendering the raisins; (2) if storable, be turned over to the handler to be held by him as off-grade natural condition raisins for the account of the committee; or (3) be turned over to the handler for reconditioning under the terms of a written agreement between the person making the tender and the handler. If the handler is to acquire such raisins after they are reconditioned, his obligations with respect to such raisins shall be based on the weight of the raisins (if stemmed, adjusted to natural condition weight) after they have been reconditioned. If after such reconditioning, such raisins meet the minimum grade standards but are no longer natural condition raisins, any handler who acquires such raisins shall meet his surplus and reserve tonnage obligations from natural condition raisins acquired by him. Any off-grade raisins (including stemmer waste and raisin offal) accumulated by a handler in reconditioning raisins shall, depending on the terms of the written agreement, be returned by the handler to the person making the tender, or be disposed of by the handler pursuant to § 989.59 (f). Each lot of raisins received by a handler for recondi-

tioning shall be kept by him separate and apart from all other raisins, including other lots received by him for reconditioning, until the quality of the raisins is established by inspection and certification after the raisins have been reconditioned.

§ 989.59 Regulation of the handling of raisins subsequent to their acquisition by handlers—(a) Regulation. Unless otherwise provided herein, no handler shall: (1) Ship or otherwise make final disposition of natural condition raisins unless they meet the effective applicable minimum grade and condition standards for natural condition raisins; or (2) ship or otherwise make final disposition of packed raisins unless they at least meet the following minimum grade standards or such standards as modified pursuant. to the provisions of paragraph (b) of this section: (i) With respect to all raisins except Layer Muscats and Zante Currants, "U. S. Grade C" as defined in effective United States Standards for Grades of Processed Raisins; (ii) with respect to Golden Seedless and Sulfur Bleached Raisins, the color requirements for "bleached color" (or "choice color") as defined in the said standards; (iii) with respect to Layer Muscat raisins, "U. S. Grade B" as defined in the said standards; and (iv) with respect to Zante Currant raisins, "U. S. Grade B" as defined in the effective United States Standards for Grades of Dried Currants.

(b) Minimum grade standards for The committee may packed raisins. recommend to the Secretary modifications of the minimum grade standards for packed raisins of any varietal type as prescribed in paragraph (a) of this section, and shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall issue such modification if he finds upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effec-

tuate the declared policy of the act.
(c) Publicity and notice. The committee shall give prompt and reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each regulation issued by the Secretary. Notice of each such regulation shall be given to all handlers by registered mail.

(d) Inspection and certification. Unless otherwise provided in this section, each handler shall, at his own expense, before shipping or otherwise making final disposition of raisins, cause an inspection to be made of such raisins to determine whether they meet the then applicable minimum grade and condition standards for natural condition raisins or the then applicable minimum grade standards for packed raisins. Such handler shall obtain a certificate that such raisins meet the aforementioned applicable minimum standards and shall submit or cause to be submitted to the committee a copy of such certificate together with such other documents or records as the committee may require. The certificate shall be issued by the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture, unless the committee determines, and the Secretary concurs in such determination, that inspection by another agency will improve the administration of this amended subpart. Any certificate issued pursuant to this paragraph shall be valid only for such period of time as the committee may specify, with the approval of the Secretary, in appropriate rules and regulations.

(e) Inter-plant and inter-handler transfers. Any handler may transfer raisins from his plant to his own or another handler's plant within the State of California without having had such raisins inspected as provided in paragraph (d) of this section. The transferring handler shall submit promptly to the committee a report of such transfer. Before shipping or otherwise making final disposition of such raisins, the receiving handler shall comply with the requirements of this section.

(f) Off-grade raisins accumulated by handlers. Any off-grade raisins (including stemmer waste and raisin offal) which may be received by a processor or accumulated by a handler by removing them from his standard raisins, and any raisins acquired as standard raisins by a handler which do not meet the applicable grade and condition standards for shipment or final disposition as raisins, shall be disposed of or marketed, without further inspection, for distillation, animal feed, or uses other than for human consumption. The committee shall establish with the approval of the Secretary, such rules and procedures as may be necessary to insure such uses.

(g) Exemption of gift and specialty packs. The committee may establish, with the approval of the Secretary, rules and procedures providing for the exemption of gift and specialty packs of raisins from the grade, inspection, and certification requirements of this section.

§ 989.60 Pooling and disposition of storable off-grade raisins held for the account of the committee. Except as provided in § 989.62, a separate pool shall be established for storable offgrade raisins held by handlers for the account of the committee. Such raisins shall be disposed of or marketed for distillation, animal feed, or uses other than for human consumption. The committee shall establish, with the approval of the Secretary, such rules and procedures as are necessary for the administration of the pool. These rules and procedures shall include provisions dealing with handlers' obligations and responsibilities, payments to handlers for performing pooling functions, and distribution of net proceeds to equity holders in a manner similar to those comparable provisions dealing with surplus tonnage raisins.

§ 989.61 Exemption. Notwithstanding any other provisions of this amended subpart, the committee may establish, with the approval of the Secretary, such rules and procedures as may be necessary to permit the acquisition and disposition of any off-grade or surplus pool raisins, free from any or all regulations, for uses in distillation, animal feed, or any use

other than for human consumption.

§ 989.62 Above parity situations. The provisions hereof relating to minimum grade and condition standards and inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season average price to producers for raisins is in excess of the parity level specified in section 2 (1) of the act. Any off-grade raisins received by a handler during a period when minimum grade standards are in effect and when the season average price to producers for raisins, as estimated by the Secretary, is in excess of the parity level shall be disposed of by such handler pursuant to the provisions of § 989.59 (f), rather than through the off-grade pool.

VOLUME REGULATION

§ 989.63 Recommendations for designation of percentages. (a) If the committee concludes that the supply and demand conditions for raisins make it advisable to designate the percentages of standard raisins acquired by handlers in any crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, it shall recommend such percentages to the Secretary. The committee may recommend such percentages separately for each varietal type. The committee also shall submit, together with any recommendation with respect to percentages, the information on the basis of which such recommendation was made, and the recommendations of the board, and also shall specify for each varietal type of raisins the outlets which were considered in determining the free and surplus tonnages and the free and surplus percentages. In the event the committee subsequently deems it desirable to modify, suspend, or terminate any designation by the Secretary of such percentages, it shall submit to the Secretary its recommendation in that regard along with the information on the basis of which such modification, suspension, or termination is recommended, and the recommendation of the board. The committee shall file with its recommendation to the Secretary, a verbatim record of that portion of its meeting or meetings, relating to the free, reserve, and surplus percentages. The recommendations of the committee for the fixing of the initial free, reserve, and surplus percentages for any crop year shall be made not later than October 1 of such year.

(b) In determining any recommendation referred to in paragraph (a) of this section, the committee shall consider and analyze with respect to each varietal type of raisins the same pertinent factors as set forth in § 989.54 of the revised order, relating to marketing policy.

(c) The committee shall give prompt and reasonable publicity to producers, dehydrators and handlers of each meeting to consider the recommendation of the percentages to be fixed pursuant to § 989.64 or of any recommendation to modify, suspend or terminate such percentages and each such meeting shall be open to them. The committee shall also give similar notice to producers, dehy-

drators and handlers, of all such recommendations submitted to the Secretary.

§ 989.64 Regulation by the Secretary. (a) Whenever the Secretary finds from the recommendation and supporting information supplied by the committee, or from any other available information, that to designate the percentages of standard raisins acquired by handlers during any crop year which shall be free tonnage, reserve tonnage and surplus tonnage, respectively, would tend to effectuate the declared policy of the act, he shall so designate the percentages of standard raisins acquired by handlers during such crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively. In the event the Secretary subsequently finds from the recommendations and supporting information supplied by the committee, or from any other available information, that modification, suspension, or termination of any such designation will tend to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such designation. No such modification shall decrease the free percentage initially designated by the Secretary.

(b) The Secretary may designate separately for each varietal type of standard raisins acquired by handlers in any crop year, the percentages which shall be considered as free tonnage, reserve tonnage, and surplus tonnage,

respectively.

(c) The Secretary shall notify the committee promptly of each such percentage so fixed. The committee shall give prompt and reasonable publicity thereof to producers and shall notify handlers and dehydrators of such percentages by registered mail.

§ 989.65 Free tonnage. The standard raisins acquired by a handler which are designated as free tonnage may be disposed of by him in any marketing channel, subject to the applicable provisions of this amended subpart.

§ 989.66 Reserve and surplus tonnage generally. (a) The standard raisins acquired by a handler which are designated as reserve tonnage and those which are designated as surplus tonnage shall be held by him for the account of the committee and subject to the applicable restrictions of this part.

(b) (1) Each handler shall hold in storage all reserve and surplus tonnage acquired by him until he has been relieved of such responsibility by the committee, either by delivery to the committee, or otherwise. Such handler shall store such reserve and surplus tonnage raisins in natural condition without addition of moisture and in such a manner as will maintain the raisins in the same condition as when he acquired them, except for normal and natural deterioration and shrinkage, and except for loss through fire, acts of God, force majeure, or other conditions beyond the handler's control: Provided, That, in the case of Layer Muscat raisins, the committee may permit handlers to satisfy the applicable reserve and surplus tonnage obligations with residual Muscat raisins obtained by them in layering operations subject to such safeguards as it may prescribe.

(2) Reserve, surplus and off-grade raisins acquired or held by each handler shall be stored separate and apart from other raisins and from each other to such extent, and identified in such manner, as the committee may specify by its rules and procedures as approved by the Secretary.

(3) Each handler may, under the direction and supervision of the committee, substitute for any quantity of reserve tonnage or surplus tonnage raisins a like quantity of free tonnage raisins of like quality and varietal type and of the same or more recent year's production. Each such handler shall give the committee reasonable advance notice of his intention to substitute, the exact location of the raisins for which substitution is to be made, and arrange with the committee a mutually satisfactory time for the substitution.

(4) The committee may, after giving reasonable notice, require a handler to deliver to it, or to any one designated by it, at such handler's warehouse or at such other place as the raisins may be stored, part or all of the reserve tonnage or surplus tonnage raisins held by him. The committee may require that such delivery consist of natural condition raisins, or it may arrange for such delivery

to consist of packed raisins.

(c) Each handler shall; at all times, hold in his possession or under his control reserve and surplus tonnage referable to his acquisitions of standard raisins, less any quantity of such reserve or surplus tonnage delivered by him pursuant to instructions of the committee and any quantity of such tonnage sold to him by the committee: Provided, That the committee shall defer, upon the written request of any handler and for good and sufficient cause, the meeting by such handler of such requirement for a specified period ending not later than November 15 of the particular crop year. As a condition to the granting of any such deferment, the committee shall require the handler to obtain and file with it a written undertaking that by the end of the deferment period he will have fully satisfied his obligation with respect to the holding or control by him of the reserve or surplus tonnages applicable to his acquisitions of raisins. Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the committee, with surety or sureties satisfactory to the committee, running in favor of the committee and the Secretary, and for an amount com= puted on the basis of the then current market value of the raisins in the quantity for which the deferment is granted. The cost of such bond shall be borne by the handler. Any sums collected through default of a handler on his bond shall, after reimbursement of the committee for any expenses incurred by it in effecting collection, be deposited with the funds obtained by it from the disposition of the reserve or surplus pools as applicable and disbursed to producers as set forth in paragraph (g) of this section. In addition to the foregoing, the committee may establish other reasonable and necessary terms and conditions upon which such deferments may be granted.

(d) Reserve tonnage and surplus ton-

nage raisins delivered by any handler to raisins among packers as it deems apural condition raisins or packed raisins justed accordingly. shall meet the applicable minimum grade and condition standards, except for normal and natural deterioration. committee shall have the authority to of reserve and surplus pool tonnage raisins as it may deem necessary.

packing or for sale in export as provided in § 989.68, each such handler shall be given the opportunity to purchase his share of each offer. Each share of an offer or reoffer under such an offer shall be determined in accordance with the appropriate provisions of subparagraphs (2), (3) or (4) of this paragraph, unless the committee determines and prescribes that any such share shall be in accordance with any modified procedure established pursuant to subparagraph (5) of

this paragraph.

(2) Each handler's share of an offer of reserve tonnage raisins for purchase shall be determined as the same proportion that the reserve tonnage held by him is of the reserve tonnage held by all handlers: Provided, That any reserve tonnage for which a deferment has been granted to a handler pursuant to the provisions of paragraph (c) of this section shall be included in his holdings in determining his share. In the event that any handler fails to purchase any or all of his share of any such offer, the remaining portion of the offer shall be reoffered by the committee to all handlers who purchased all of their respective shares of such offer, in proportion to their respective volumes purchased in the current and all prior offers and reoffers. Any handler whose holdings of reserve tonnage raisins have been exhausted may participate in any reoffer in proportion to the volume purchased by him in the current and all prior offers and reoffers. If the committee determines an offer to be the last which will be made prior to July 1 of each crop year, each handler entitled to participate in any reoffer made in connection therewith, shall be eligible to purchase an equal share of the tonnage reoffered, and as many reoffers of unpurchased tonnage as the committee deems advisable

may be made.
(3) Each packer's share of an offer of surplus tonnage raisins for contract packing shall be determined as the same proportion that the surplus tonnage raisins acquired by him is of the surplus tonnage raisins acquired by all packers. In the event that any packer fails to contract for packing any or all of his share of any offer, the remaining portion thereof shall be reoffered by the committee to all packers who contracted for packing all of their respective shares, in proportion to their respective acquisitions: Provided, That, if such amount which packers fail to contract for packing does not exceed 250 tons, or if it is necessary to deviate from the foregoing in order to meet terms and conditions of shipment, the committee may, in its

the committee, or to any person desig- propriate, but the shares of packers in nated by it, whether in the form of nat- subsequent offers or reoffers shall be ad-

(4) Each handler's share of an offer of surplus tonnage raisins for sale in The export shall be determined as the same proportion that the surplus tonnage rairequire, in its discretion and at its ex- sins acquired by him is of the surplus pense, such reinspection and certification tonnage raisins acquired by all handlers. If, prior to the close of any offer of surplus tonnage raisins for export, a han-(e) (1) In the event the committee dler has purchased his entire share of offers to handlers reserve tonnage raisins such offer and makes application to the for purchase as provided in § 989.67, or committee for additional surplus tonsurplus tonnage raisins for contract nage raisins for sale in export, the committee shall allocate to such handler surplus tonnage raisins held by him. In the event that a handler wishes to purchase surplus tonnage raisins for export and no longer holds any surplus tonnage raisins for the account of the committees, the committee shall withdraw surplus tonnage raisins from other handlers and deliver them to the handler applying to the committee for the purchase of additional surplus tonnage raisins for sale in export. In making such allocation, the committee shall, insofar as is practicable, first withdraw such surplus tonnage raisins from those handlers who have purchased for sale in export the smallest percentage of the surplus tonnage raisins acquired by them, or who for other reasons are holding the largest percentage of their acquisitions of surplus tonnage. The cost of transporting any such surplus tonnage raisins from one handler to another shall be paid by the committee from surplus pool funds.

(5) In the event the committee determines that the applicable procedures, as specified in subparagraphs (2), (3), or (4) of this paragraph, will not provide an allocation for handlers which is suitable for a particular situation, the committee, with the prior approval of the Secretary, may establish such modifications of such applicable procedures, consistent with the provisions of subparagraph (1) of this paragraph, as will facilitate the disposition of reserve and surplus tonnages through handlers.

(f) Handlers shall be compensated for receiving, storing, handling, and inspection of reserve and surplus tonnage raisins held by them for the account of the committee, in accordance with a schedule of payments established by the committee and approved by the Secretary. A box rental shall be paid by the committee to producers or handlers for boxes used in storing reserve or surplus tonnage raisins beyond the crop year of acquisition in accordance with a rental schedule established by the committee and approved by the Secretary. Any handler may request the committee at any time, by registered mail, to remove all surplus tonnage raisins held for the account of the committee and remaining in his possession from any previous crop year, and at any time after August 1 of any crop year may request removal of all surplus tonnage raisins remaining in his possession from the current crop year, and may request that the committee provide the necessary containers for such removal. In this event, the committee shall make the removal within 30 days after the receipt of the request, supplying the necessary containers if discretion, allocate such surplus tonnage so requested. If any handler makes such

a request, the committee shall immediately give notice thereof to the Secretary.

(g) The committee shall have the authority, in its discretion, to obtain loans, nonrecourse or otherwise, on any part or all of the reserve tonnage or surplus tonnage, or both, and to pledge or hypothecate the raisins on which such loans are obtained as security therefor: Provided, That, in every such case, there shall be included in the loan agreement a provision to the effect that, in case the lender obtains possession or control of such raisins, he will dispose of them in such a manner as will not tend to defeat the objectives of this amended subpart. The net proceeds of any such loan shall be distributed by the committee to the respective producers, or their successors in interest, on the basis of the volume of their respective contributions to the pooled raisins of each varietal type on which the loan is obtained. The net proceeds from the disposition of reserve and surplus tonnages of raisins of each varietal type shall be distributed by the committee to the respective producers, or their successors in interest thereto, on the basis of the volume of their respective contributions to the reserve and surplus tonnages of such varietal type. Distribution of the proceeds in connection with the reserve and surplus tonnages contributed by a nonprofit cooperative marketing association which has authority to market the raisins of its members and to allocate the proceeds therefrom to such members shall be made to such association. Advance or progress payments may be made by the committee, in conformity with the provisions of this paragraph, as sufficient funds become available.

(h) The committee may establish, from time to time, with the approval of the Secretary, additional procedures, not inconsistent with the provisions of this amended subpart, which are deemed necessary to effectuate the provisions of this section, and §§ 989.67, 989.68, 989.69 and 989.70.

§ 989.67 Special provisions relating to reserve tonnage. (a) The committee may sell reserve tonnage of any varietal type to handlers so as to provide them with the quantity which is needed to meet the free tonnage commercial trade requirements for that varietal type in the event that such requirements cannot be filled by the total free tonnage of that varietal type: Provided, That no such sale of natural (sun-dried) Thompson Seedless raisins shall be made prior to December 1 of the particular crop year. Any such quantities made available for such sale to handlers shall be offered to them pro rata as required by the provisions of § 989.66 (e).

(b) Reserve tonnage of any varietal type shall not be sold at a price below that which the committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up to the time of any offer for sale of reserve tonnage by the committee, to which shall be added the costs incurred by the committee on account of the receiving, inspecting, storing, insuring and holding of said raisins: Provided, That where the outlook for the

a downward trend in the price received by producers for free tonnage, reserve tonnage may be sold to handlers at the current field price, as determined by the committee. The committee shall file with the Secretary, five days (exclusive of Saturdays, Sundays and holidays) prior to making any offer to sell reserve tonnage raisins, information relating to the quantity of raisins to be offered and the price or prices at which such raisins are to be offered. The Secretary shall have the right to disapprove the making of such an offer or any price at which reserve tonnage raisins may be offered for sale.

(c) Reserve tonnage held unsold by the committee on July 1, shall on July 1, and any reserve tonnage acquired between July 1 and the end of the crop year shall, at the time of acquisition, become surplus tonnage for all purposes and subject to the provisions of this amended part relating to surplus tonnage. If the committee finds within a crop year that the current holdings of surplus tonnage are insufficient to meet the current demand therefor and that it would be inappropriate to change the volume percentages, it may temporarily borrow, with the prior approval of the Secretary. sufficient reserve tonnage for disposition in the surplus outlets with provision for subsequent replacement from the surplus tonnage.

(d) If the committee finds that because of national emergency, crop failure or other major change in economic conditions, a shortage of raisins has developed or is likely to develop, it may waive for any crop year, with the prior approval of the Secretary, the time limitations of paragraph (c) of this section.

§ 989.68 Disposal of surplus raisins. (a) The committee shall dispose of all surplus tonnage raisins in such a manner as to achieve, as nearly as may be practicable, complete disposal of such raisins by August 31 of the crop year. Any surplus tonnage raisins held unsold by the committee on October 15 of the subsequent crop year shall be physically disposed of promptly in any available outlet not competitive with normal market channels for free tonnage raisins or sales of surplus tonnage raisins in export: *Provided*. That, whenever the Secretary approves a finding by the committee or finds on the basis of information otherwise available to him, that, because of national emergency, crop failure, or other major change in economic conditions, retention of the surplus raisins carried over is warranted, the foregoing requirement as to disposal shall not apply and the committee may then sell any of such surplus tonnage raisins as though they were reserve tonnage raisins.

(b) Surplus tonnage raisins shall be disposed of by the committee: (1) By sale to handlers for sale in specified surplus outlets or for resale to exporters for sale in such outlets; (2) by direct sale to any agency of the United States Government for non-competitive use; (3) by direct sale to foreign government agencies or foreign importers in any country not listed pursuant to paragraph (c) of this section or where the procurement of raisins is so regulated as to preclude purchases from domestic handlers;

next crop or other factors have caused (4) by gift; and (5) by any other means a downward trend in the price received consistent with the provisions of this secby producers for free tonnage, reserve tion, and in outlets non-competitive with tonnage may be sold to handlers at the those for free tonnage raisins.

(c) The committee shall sell surplus raisins to handlers for export sale to listed countries. The Secretary shall establish, on the basis of the recommendation of the committee or from other available information, a list specifying the countries to which sale in export of surplus tonnage raisins may be made by or through handlers. The recommended list shall be submitted by the committee to the Secretary at the time it submits its recommendation as to volume percentages, and in recommending such list the committee shall give consideration to the pertinent factors enumerated in § 989.54. The list shall not be changed except upon approval by the Secretary of a recommendation by the committee subsequent to its review of such pertinent factors. . No country may be removed from the list unless a finding is made by the committee that such removal and subsequent direct sale by the committee will not lead to disruption of sales of surplus tonnage raisins by handlers in other countries on the list and a further finding that, although handlers have been able to offer surplus tonnage raisins at competitive prices to the country to be removed, there remains an unfulfilled demand in such country which has not been supplied by handlers and which could be supplied by the committee at the same prices by means of direct sale. No country may be added to the list unless a finding is made by the committee that such addition represents a practical means of making sales of surplus raisins to such country.

(d) Surplus tonnage raisins shall be sold to handlers at prices and in a manner intended to maximize producer returns and achieve complete disposition of such raisins by August 31 of the crop year. No offer to sell surplus raisins to handlers shall be made by the committee until five days (exclusive of Saturdays, Sundays and holidays) have elapsed from the time it files with the Secretary information as to the quantity and varietal type of raisins to be offered and the prices at which they are to be offered, and no such offer shall be made if the Secretary disapproves thereof.

(e) The committee may self surplus raisins as provided in paragraph (b) (3) of this section only when such country is not included in the list of specified countries established pursuant to paragraph (c) of this section and may sell surplus raisins to foreign government agencies or foreign importers in any country removed from such list but no such sale shall be entered into by the committee until five days (exclusive of Saturdays, Sundays and holidays) have elapsed from the time it files with the Secretary information as to the quantity. price, and foreign country involved in such sale, and no such sale shall be made if the Secretary disapproves thereof.

(f) The committee may undertake market development projects to promote the consumption of surplus tonnage raisins in existing export outlets or in new export outlets.

(g) The committee may, with the approval of the Secretary, refuse to sell

surplus tonnage raisins for export to any handler who is in default on any previous purchase of such raisins from the committee or if the committee finds that such handler is currently not in compliance with the provisions of a sales agreement covering surplus tonnage raisins executed by such handler with the committee.

(h) The committee shall prescribe, with the approval of the Secretary, such rules and procedures as are necessary for carrying out the provisions of this section.

§ 989.69 Substitution for Layer Muscats. A handler may substitute an equal quantity of natural (sun-dried) Muscat or Valencia raisins for any portion or all of the reserve and surplus tonnage referable to his acquisitions of Layer Muscat raisins: Provided, That he shall have made arrangements satisfactory to each producer of the Layer Muscat raisins for such substitution. The handler shall report promptly to the committee any such substitution.

§ 989:70 Storage of raisins held on memorandum receipt and of packerowned tonnage. All raisins stored by a handler for another person on memorandum or warehouse receipt, or raisins produced and stored by a handler, shall be stored separate and apart from other raisins and shall be clearly marked or tagged as raisins stored on memorandum or warehouse receipt or as raisins produced by the handler but not acquired by him in his capacity as a handler.

REPORTS AND RECORDS

§ 989.73 Reports—(a) Inventory reports. Each handler shall, upon request of the committee, file promptly with the committee a certified report, showing such information as the committee shall specify with respect to any raisins which were held by him on a date designated by the committee, which information as specified may include, but not be limited to: (1) The quantity of any raisins so held, segregated as to varietal type, natural condition, packed, standard quality or off-grade quality; and (2) the locations of the raisins.

(b) Acquisition reports. Each handler shall file with the committee in accordance with such rules and procedures as are prescribed by the committee, with the approval of the Secretary, certified reports, for such periods as the committee may require, with respect to his acquisitions of each varietal type of raisins during the particular period covered by such report, which report shall include, but not be limited to: (1) The total quantity acquired; (2) the quantity of off-grade raisins acquired as such for the account of the committee, and the reserve and surplus tonnages, separately, referable to his acquisitions of standard raisins; (3) the locations of such reserve, surplus and off-grade tonnages; and (4) cumulative totals of such acquisitions from the beginning of the then current crop year to and including the end of the period for which the report is made. In the case of a weekly report, it shall be filed not later than Wednesday of the week following the week which is covered by such report, and reports for any other period shall be filed as re-

handler may be relieved of filing such treated as confidential information. reports upon completing his packing operations for the season. Upon request of the committee, each handler shall furnish to the committee, in such manner and at such times as it may require the name and address of each person from whom he acquired raisins and the quantity of each varietal type of raisins acquired from each such person.

(c) Other reports. Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this amended part.

§ 989.75 Confidential information. All reports and records furnished or submitted by a handler to the committee shall be received by, and at all times kept under the custody or control of, one or more employees of the committee, who shall disclose to no person, except the Secretary upon request therefor or to the committee in connection with its investigations of alleged violations, data or information obtained or extracted therefrom which would constitute a trade secret or the disclosure of which might affect the trade position, financial condition, or business operations of the particular handler from whom received: Provided, That the committee may require such an employee to disclose to it, or to any person designated by it or by the Secretary, information and data of a general nature, compilations of data affecting handlers as a group, and any data affecting one or more handlers, so long as to identity of the individual handlers involved is not disclosed.

§ 989.76 Records. Each handler shall maintain such records of all raisins acquired by him as prescribed by the committee. Such records shall include, but not be limited to, the quantity of raisins of each varietal type acquired from each person and the name and address of each such person, total acquisitions, total sales, and total other disposition of each varietal type which he handles, and each handler shall maintain such records for at least two years after the termination of the crop year in which the transactions occurred.

§ 989.77 Verification of reports. For the purpose of checking and verifying reports filed by handlers, the committee, through its duly authorized representatives, shall have access to any handler's premises during regular business hours, and shall be permitted at any such times to inspect such premises and any raisins held by such handler, and any and all records of the handler with respect to the holding or disposition of raisins by him. Each handler shall furnish all labor and equipment necessary to make such inspections. Each handler shall store raisins in a manner which will facilitate inspection, and shall maintain storage records which will permit accurate identification of raisins held by him or theretofore disposed of. Insofar as is practicable and consistent with the carrying out of the provisions of this amended subpart, all data and informaquired by the committee. Upon written tion obtained or received through check-

application made to the committee, a ing and verification of reports shall be

EXPENSES AND ASSESSMENTS

§ 989.79 Expenses. The committee is authorized to incur such expenses (other than those specified in § 989.82) as the Secretary finds are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the committee and the board. The funds to cover such expenses shall be obtained by levying assessments as provided in § 989.80. The committee shall file with the Secretary for each crop year and not later than October 1 thereof, a proposed budget of these expenses and a proposal as to the assessment rate to be fixed pursuant to § 989.80, together with a report thereon. Also, it shall file at the same time a proposed budget of the expenses likely to be incurred during the crop year in connection with reserve, surplus, or off-grade raisins held for the account of the committee, exclusive of the receiving, storing, and handling expenses which are covered by a schedule of payments to handlers effective pursuant to § 989.66 (f) or any rules and procedures established by the committee, and exclusive of any expenses it may incur in connection with the disposition of such raisins and which are unknown at the time. The said report shall also cover this proposed budget.

§ 989.80 Assessments. Each handler shall, with respect to all free tonnage acquired by him, and all reserve tonnage sold to him pursuant to § 989.67, pay to the committee, upon demand, his pro rata share of the expenses (exclusive of expenses for receiving, handling, holding, or disposing of any quantity of reserve and surplus tonnage and natural condition off-grade raisins held for the account of the committee) which the Secretary finds will be incurred, as aforesaid, by the committee during each crop year. Such handler's pro rata share of such expenses shall be equal to the ratio between the total free tonnage acquired by such handler, plus all reserve tonnage sold to him for use as free tonnage during the applicable crop year and the total free tonnage acquired by all handlers, plus all reserve tonnage sold to all handlers for use as free tonnage during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handler on the basis of a specified rate per ton. At any time during or after a crop year, the Secretary may increase the rate of assessment to apply to all free tonnage acquired, plus all reserve tonnage sold to handlers as free tonnage, during such crop year to obtain sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. In order to provide funds to carry out the functions of the committee and the board, the committee may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against the respective handler during the crop year. The payment of assessments for the maintenance and functioning of the committee may be reperiod it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 989.81 Accounting. (a) If, at the end of the crop year, the assessments collected for such crop year exceed the expenses incurred with respect to such crop year, each handler's share of such excess shall be credited to him against, and may be used for, the operations of the following crop year, unless such handler demands payment thereof, in which case his share shall be paid to him.

(b) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's prorata share of the expenses.

§ 989.82 Expenses of reserve, surplus, and off-grade raisin operations. The committee is authorized to incur such expenses as are reasonable and are necessary in discharging its obligations, pursuant to this part with respect to the receiving, handling, holding, or disposing of any quantity of reserve, surplus or off-grade raisins held for the account of the committee. The committee is authorized to pay any taxes assessed against raisins held by or for the account of the committee on the first Monday in March, in the reserve, surplus, or off-grade pools established pursuant to this part: Provided, That any equity holder may pay his own taxes upon giving notice to the committee on or before May 1 of each year of his intention to do so. All pool expenses shall be deducted from the proceeds obtained by the committee from the sale or other disposal of such reserve, surplus or offgrade raisins held for the account of the committee.

§ 989.83 Funds. All funds received by the committee pursuant to the provisions of this part, shall be used solely for the purposes authorized, and shall be accounted for in the manner provided. in this part. The Secretary may, at any time, require the committee and its members and alternate members to account for all receipts and disbursements.

MISCELLANEOUS PROVISIONS

§ 989.84 Disposition limitation. No handler shall dispose of any free, reserve, surplus tonnage raisins, or offgrade raisins except in accordance with the provisions of this subpart or pursuant to regulations and instructions issued by the committee.

§ 989.85 Personal liability. No member or alternate member of the committee or any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person, for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, employee, or agent, except for acts of dishonesty.

§ 989.86 Separability. If any provision of this amended subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this amended subpart or the ap-

quired under this part throughout the circumstance, or thing shall not be af- not delivered at the time of such termifected thereby.

> § 989.87 Derogation. Nothing contained in this amended subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

> § 989.88 Duration of immunities. The benefits, privileges, and immunities conferred upon any person by virtue of this amended subpart shall cease upon the termination of this amended subpart, except with respect to acts done under and during the existence of this

> § 989.89 Agents. The Secretary may. by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this amended subpart.

> § 989.90 Effective time. The provisions of this amended subpart, as well as any amendments to this amended subpart shall become effective at such time as the Secretary may declare, and shall continue in force until terminated, or during suspension, in one of the ways specified in § 989.91.

> § 989.91 Suspension or termination. (a) The Secretary may, at any time, terminate the provisions of this amended subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

> (b) The Secretary shall terminate or suspend the operation of any or all of the provisions of this amended subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this amended subpart at the end of any crop year whenever he finds that such termination is favored by a majority of the producers of raisin variety grapes, who during a representative period determined by the Secretary, have been engaged in the production for market of raisin variety grapes in the State of California: Provided, That such majority have, during such representative period, produced for market more than 50 percent of the volume of such raisin variety grapes produced for market within said State; but such termination shall be effective only if announced on or before August 31 of the then current crop year.

(d) The provisions of this amended subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 989.92 Proceedings after termination. (a) Upon the termination of the provisions of this amended subpart, the members of the committee then functioning shall continue as joint trustees for the purpose of liquidating the affairs of the committee, of all funds and property then in the possession or under the control of the committee, including plicability thereof to any other person, claims for any funds unpaid or property

nation. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the joint trustees pursuant to this subpart.

(c) Any person to whom funds, property or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said committee and upon said joint trustees.

§ 989.93 Effect of termination or amendment. Unless otherwise expressly provided by the Secretary, the termination of this amended subpart or any regulation issued pursuant to amended subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this amended subpart or any regulation issued under this amended subpart, (b) release or extinguish any violation of this amended subpart, or of any regulation issued under this amended subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such viola-

§ 989.94 Amendments. Amendments to this amended subpart may be proposed from time to time, by any person or by the committee.

§ 989.96 Exhibit A; producer members of the Raisin Advisory Board. (a) One member for each of the following districts in Fresno County:

CLOVIS-DISTRICT No. 1

All of T. 12 S., R. 20 E. in said county; all of T. 11 S., R. 20 E. in said county; all of T. 11 S., R. 21 E. in said county; all of T. 12 S., R. 21 E.; all of T. 12 S., R. 22 E.; Secs. 1, 2, 11, 12, 13, and 14 of T. 13 S., R. 20 E; Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36 of T. 13 S., R. 21 E; and Secs. 4, 5, 6, 7, 8, 9, 18, 19, 30, and 31 of T. 13 S., R. 22 E.

KERMAN-DISTRICT No. 2

All of T. 13 S., R. 14 E. in said county; all of T. 13 S., R. 15 E. in said county; all of T. 13 S., R. 16 E. in said county; all of T. 13 S., R. 17 E. in said county; Secs. 30 and 31 of T. 13 S., R. 18 E.; all of T. 14 S., R. 14 E.; all of T. 14 S., R. 15 E.; all of T. 14 S., R. 17 E.; all of T. 14 S., R. 18 E.; the west two-thirds of T. 14 S., R. 19 E.; all of T. 15 S., R. 14 E.; all of T. 15 S., R. 16 E.; all of T. 15 S., R. 16 E.; all of T. 15 S., R. 17 E.; and all of T. 15 S., R. 18 E. BIOLA—DISTRICT NO. 3

All of T. 13 S., R. 18 E. in said county, except Secs. 30 and 31; all of T. 12 S., R. 19 E. in said county; and all of T. 13 S., R. 19 E., except Secs. 25, 26, 27, 28, 33, 34, 35, and FRESNO-DISTRICT NO. 4

Secs. 1, 2, 11, 12, 13, and 14; Secs. 19, 20, 29, 30, and all of T. 20 S., R. 18 E., lying within said Secs. 1, 2, 11, 12, 13, and 14; Secs. 19, 20, 29, 30, 31, and 32 of T. 13 S., R. 21 E.; the east one-third of T. 14 S., R. 19 E.; ail of T. 14 S., R. 20 E.; and Secs. 5, 6, and 7 of T. 14 S., R. 21 E. SANGER—DISTRICT NO. 5

The east one-half and Secs. 16, 17, 20, 21, 28, 29, 32, and 33, T. 13 S., R. 22 E.; all of T.

13 S., R. 23 E. lying north and west of the east channel of Kings River; all of T. 14 S., R. 23 E.; lying west of the east channel of Kings River; and Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 18 (Kern, San Bernardino, Riverside, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, Imperial, San Diego, Orange, Los An-23, 24, 25, 26, 27, 28, 35, and 36, T. 14 S., R. geles, Ventura, Santa Barbara, and San 22 E.; all of Secs. 5 and 6, T. 15 S., R. 23 E., Luis Obispo Counties). lying north of Kings River.

LONE STAR-DISTRICT NO. 6

Ail of T. 14 S., R. 21 E., except Secs. 5, 6, 7,

EASTON-OLEANDER-DISTRICT NO. 7

The north one-half of T. 15 S., R. 19 E.; the north two-thirds of T. 15 S., R. 20 E., except Sec. 19; and Secs. 6, 7, 18, and 19, T. 15 S., R. 21 E. FOWLER—DISTRICT No. 8

The south one-half of Sec. 1, and Secs. 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 26, 27, 28, 29, and 33, T. 15 S., R. 21 E.; and Sec. 18, T. 15 S., R. 22 E. DEL REY-DISTRICT No. 9

Secs. 29, 30, 31, 32, 33, and 34, T. 14 S., R. 22 E.; Sec. 36, T. 14 S., R. 21 E.; the north one-half of Sec. 1, T. 15 S., R. 21 E.; and Secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, and 17, T. 15 S., R. 22 E.

PARLIER-DISTRICT No. 10

All of Secs. 4, 9, 16, and 21 lying west of condition raisins. Kings River, and all of Secs. 5 and 6 lying west and south of Kings River, and Secs. 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, T. 15 S., R. 23 E.; Secs. 1, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 35, and 36, T. 15 S., R. 22 E.; and Secs. 5 and 6, T. 16 S., R. 23 E.

REEDLEY-DISTRICT No. 11

all of T. 13 S., R. 23 E., lying east and south of the east channel of Kings River; all of T. 14 S., R. 23 E., lying east and south of the east channel of Kings River; T. 14 S., R. 24 E.; T. 14 S., R. 25 E.; all of T. 15 S., R. 23 E., lying east of the east channel of Kings River; all of Secs. 28 and 34, T. 15 S., R. 23 E., lying west of Kings River; Sec. 33, T. 15 S., R. 23 E.; all of Sec. 4, T. 16 S., R. 23 E., lying within said county; and T. 15 S., R. 24 E.

KINGSBURG-DISTRICT No. 12

Secs. 11, 12, 13, 14, 15, 21, 22, 23, 27, 28, and 33, T. 16 S., R. 22 E., and those portions of Secs. 24, 26 and 34, T. 16 S., R. 22 E., lying within said county; Sec. 7, T. 16 S., R. 23 E., and those portions of Secs. 8 and 18, T. 16 S. R. 23 E., lying within said county; and those portions of Secs. 4, 5, 8, 9, and 17, T. 17 S., R. 22 E., lying within said county.

SELMA-DISTRICT NO. 13

Secs. 25, 34, 35, and 36, T. 15 S., R. 21 E.; Secs. 19, 20, 28, 29, 30, 31, 32, 33, and 34, T. 15 S., R. 22 E.; Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 29, 30, 31, and 32, T. 16 S., R. 22 E.; the east one-haif of T. 16 S., R. 21 E.; Secs. 1 to 23, both inclusive, T. 17 S., R. 21 E., and that part of Secs. 24 to 30, both inclusive, T. 17 S., R. 21 E., lying within said county; Secs. 6, and 7, T. 17 S., R. 22 E.; and those portions of Secs. 18 and 19, T. 17 S., R. 22 E., lying within said county.

MONMOUTH-DISTRICT NO. 14

Secs. 25, 26, 27, 34, 35, and 36, T. 15 S., R. 20 E.; Secs. 30, 31, and 32, T. 15 S., R. 21 E.; and the west one-half of T. 16 S., R. 21 E.

CARUTHERS-DISTRICT No. 15

The south one-half of T. 15 S., R. 19 E.; Secs. 19, 28, 29, 30, 31, 32, and 33, T. 15 S., R. 20 E.; T. 16 S., R. 15 E.; T. 16 S., R. 16 E.; T. 16 S., R. 17 E.; T. 16 S., R. 18 E.; T. 16 S., R. 19 E.; T. 16 S., R. 20 E.; T. 17 S., R. 16 E.; T. 17 S., R. 17 E.; T. 17 S., R. 18 E.; T. 17 S.,

- FRESNO—DISTRICT NO. 4

 Secs. 25, 26, 27, 28, 33, 34, 35, and 36, T. 13

 S., R. 19 E.; T. 17 S., R. 20 E.; T. 18 S., R. 16 E.;

 T. 18 S., R. 17 E.; T. 18 S., R. 18 E.; T. 19 S.,

 S., R. 19 E.; all of T. 13 S., R. 20 E., except R. 17 E.; T. 19 S., R. 18 E.; T. 20 S., R. 17 E.; county.
 - (b) Three members for District No. 16 (Kings, Monterey, and San Benito Counties).

(c) Five members for District No. 17 (Tulare and Inyo Counties).

(d) Three members for District No. 18 (Kern, San Bernardino, Riverside,

(e) Three members for District No. 19 (Madera and Mono Counties).

- (f) Three members for District No. 20 (Merced, Tuolumne, and Mariposa Counties).
- (g) Three members for District No. 21 (Stanislaus, Santa Clara, San Francisco, San Mateo, Santa Cruz, Alameda, Contra Costa, Calaveras, and Alpine Counties).
- (h) One member for District No. 22 (San Joaquin, Marin, Solano, Sacramento, Amador, Eldorado, Placer, Nevada, Sutter, Yolo, Napa, Sonoma, Mendocino, Lake, Colusa, Yuba, Sierra, Plumas, Butte, Glenn, Tehama, Shasta, Lassen, Modoc, Siskiyou, Del Norte, Humboldt, and Trinity Counties).

§ 989.97 Exhibit B; minimum grade and condition standards for natural

Raisins meeting the varietal standards set forth hereinafter shall be considered as standard raisins and those failing to meet such standards shall be considered as offgrade raisins. In each category, only those raisins which have been properly dried and cured in original natural condition, are free All of T. 13 S., R. 24 E., lying cast and from active infestation, and are in such consouth of the east channel of Kings River; dition that they are capable of being redition that they are capable of being received, stored, and packed without undue deterioration or spoilage, shall be considered as storable raisins.

A. Thompson Seedless raisins.

Natural condition Thompson Seedless raisins shall have been prepared from sound, wholesome, matured grapes properly dried and cured and shall meet the following additional requirements:

1. Shall be fairly free from damage by sugaring, mechanical injury, sunburn or other similar injury.

2. Shall be fairly free from immature (skinny) raisins and shall have a normal characteristic color, flavor, and odor of properly prepared raisins.

- 3. The moisture content shall not exceed 16 percent (except Golden Seedless, Sulfur Bleached, and Soda Dipped shall not exceed 14 percent), as determined by Dried Fruit Moisture Tester Method and the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order and that when processed in accordance with good commercial practice will meet "U. S. Grade C" or better grade as defined in the effective United States Standards for Grades of Processed Raisins.
- 4. Golden Seedless and Sulfur Bleached raisins shall possess a characteristic bleached color (or choice color). "Choice color" (or color (or choice color). "Choice color" (or "bleached color") means that the raisins may be variable in color and may range from yellowish green to dark amber or dark greenish amber; that not more than 15 percent, by weight, of all the raisins may be definitely dark berries.

5. Soda Dipped raisins shall possess a good typical color characteristic of such raisins. B. Muscat raisins.

Natural condition Muscat raisins shall have been prepared from sound, wholesome, matured grapes properly dried and cured and shall meet the following additional require-

ments:

1. Shall be fairly free from damage by sugaring, mechanical injury, sunburn or other similar injury.

2. Shall be fairly free from immature (skinny) raisins and shail have a normal characteristic color, flavor and odor of prop-

- erly prepared raisins.
 3. The moisture content shall not exceed 16 percent (except Layer Muscats shall not exceed 18 percent) as determined by Dried Fruit Moisture Tester Method and the raisins (except Layer Muscats) shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order and that when processed in accordance with good com-mercial practice will meet "U. S. Grade C" or better grade as defined in the effective United States Standards for Grades of Processed Raisins; and that with respect to Layer Muscat raisins in addition to the above requirements the raisins shall be:
- a. Fairly free from shattered (or loose end) berries.

b. Uniformly cured.c. 30 percent or more "3 Crown size" or larger.

d. Of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order, and that when processed in accordance with good commercial practice will meet "U. S. Grade B" or better grade as defined in the effective United States Standards for Grades of Processed Raisins.

4. Muscat (Valencia), soda dipped raisins shall possess a good typical color with not more than 10 percent, by weight, that may

be dark reddish-brown raisins. C. Sultana raisins.

Natural condition Sultana raisins shall have been prepared from sound, wholesome, matured grapes properly dried and cured and shall meet the following additional requirements:

1. Shall be fairly free from damage by sugaring, mechanical injury, sunburn or

other similar injury.

2. Shall be fairly free from immature (skinny) raisins and shall have a normal characteristic color, flavor, and odor of properly prepared raisins.

The moisture content shall not exceed 16 percent as determined by Dried Fruit Moisture Tester Method and the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order and that when processed in accordance with good commercial practice will meet "U. S. Grade C" or better grade as defined in the effective United States Standards for Grades of Processed Raisins.

D. Zante Currants. Natural condition Zante Currants shall have been prepared from sound, wholesome, matured grapes properly dried and cured and shail meet the following additional requirements:

1. Shall be fairly free from damage by sugaring, mechanical injury, sunburn or other similar injury.

2. Shall be fairly free from immature (skinny) raisins and shall have a normal characteristic coior, flavor and odor of properly prepared raisins for the varietal type.

3. The moisture content shall not exceed 16 percent as determined by Dried Fruit Moisture Tester Method and the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order and that when processed in accordance with good commercial practice will meet "U. S. Grade B" or better grade as defined in the effective United States Standards for Grades of Dried Currants.

Issued at Washington, D. C., this 26th day of August 1955, to become effective upon publication in the FEDERAL REGISTER.

[SEAL]

EARL L. BUTZ. Acting Secretary. GPO 897437